

Robert Melvill 1773

from
The Author

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THE
CONSTITUTIONAL RIGHT
OF THE
LEGISLATURE
OF
GREAT BRITAIN,
TO
TAX the BRITISH COLONIES
IN
AMERICA,
IMPARTIALLY STATED.

In a province, if the native that is rich be admitted to power^s the power grows up native, and overtops the foreign: therefore you must either not plant your citizens in your provinces, where in time they will become native; or so planting them, neither trust them with power nor with arms.

HARRINGTON.

L O N D O N :

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M DCC LXVIII.

CONSTITUTIONAL RIGHT

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INTRODUCTION.

THE following letters were written from one friend to another, at the time when the repeal of the American stamp act was under consideration. The two first were shewn to some most respectable persons then in the administration: and were very well received. But, afterwards, the mercantile clamour, respecting the debts owing to Great Britain, from America; and the very extraordinary, and ^etr~~a~~mendous speech of the great Commoner of that day, like an irresistible tempest, darkened the understanding of the nation; con-
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founded every idea of public good ; and, in the general wreck of common sense, and common safety, overwhelmed the fortitude of those gentlemen, who were then in power ; and carried the whole weight of administration along with them. On perceiving this change, it became altogether unnecessary to lay before the same gentlemen, the rest of these letters.

They have lain by, unattended to, ever since : for, as the author looked after no other interest than that which he sincerely apprehended to be the true interest of Great Britain ; and was wholly unambitious of appearing

pearing in print, he did not attempt
 to oppose the irresistible torrent of
 party prejudice, and imbittered pas-
 sion, which then took part with
 America, against the true and most
 essential interests of the mother
 country. And because, in violent
 irruptions in the body politic, as
 well as in the natural body, it is fre-
 quently the best method of treat-
 ment, not to check the disorder;
 but, trusting to the vigorous stami-
 na of the patient, let it come to a
 crisis; and then effect a cure, by
 applying proper medicine in the weak
 and enfeebled state of the disease.

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This seems nearly to be the state of the American controversy at present. That rapid and infatuated spirit, which so radically repealed the stamp act, exhausted its main strength in that one extraordinary and mighty effort: and in the same instant, the legislature recovered so far from the shock it had thereby sustained, as to have spirit sufficient left, to assert and declare the undoubted right of the mother country to tax her colonies.

In conformity to this right, the same legislature has ^{since} enacted duties and imposts to be paid in North America; and appointed officers to collect

collect them. This constitutional and legal measure, to assert the sovereignty of Great Britain over her colonies, has ^{redoubled} ~~reduced~~ the vigour of those colonies to maintain their right of independency on the mother country: and with an open shew of determined resolution, to menace what they maintain, Great Britain shall submit to.

In the first instance, the Americans played off the mercantile interest of Great Britain upon her legislature; and having the countenance of the incorruptible patriot of that day; who, being then out of power, had planted himself in the front of opposition,

position, and was storming, with impetuous violence, all the avenues to the throne, in order to seat himself, again, at the head of affairs. They, by the united assistance of these two powerful allies, surpris'd the legislature into compliance, and obtained a victory.

But as this victory has imboldened them to throw off the mask, and to enter into a general conspiracy, one with another, against their mother country. They no longer pretend in this second instance, to frighten the legislature into compliance by the threat that was then held out, of defrauding our merchants of the just
debts

debts they owe to them : but, letting that lie open, as a self evident principle, and trusting to the aid of the same incorruptible patriot, so lately clothed with power, and, perhaps, ~~too~~ recently throwing it up for their service, under his banner. They now lay claim to independency upon national principles : and for this purpose have adopted, as unanswerable, all the arguments of Sidney, Lock, and other venerable names, who have, with the utmost propriety, exerted their great abilities in establishing the independency and freedom of the mother country, against the intollerable strides of royal prerogative, under the old constitution.

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And to those respectable Names, who, with submissive awe, acknowledging their own imbecility from the Ministerial Bench, bent down before him and, with unexampled meekness & humility, acquiescing in his measures, enlisted themselves —

Altho' in this point of view, the colonies are become more confirmed in their defection ; yet, in the course of events, the good understanding of the people of Great Britain, has had time to recover itself ; and they are, it is to be hoped, not only generally convinced of the propriety and necessity of maintaining the subordination and submission of the colonies to the legislature of Great Britain ; but are infinitely better disposed to hear with an unimpassioned understanding, whatever may be offered in behalf of the rights of the mother country, and her indispensable interest, dignity, and sovereignty, in taxing and reigning over

over her colonies. This, then, is the wished for crisis, to apply the salutary effects of reason, and argument, to the publick political disorder in this its weak and enfeebled state.

With this view, the author most humbly begs leave to submit the four following letters to the impartial judgment and candour of the public. In which, he hopes, it will appear, that he has stated the argument between Great Britain and her colonies, not only in a new light, but in the only light in which it ought, or can, with propriety, be handled: and which totally excludes every argument of those celebrated authors,

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produced in favour of America, when America is considered in its true and natural state, as comprehending only the provinces of Great Britain.

Having no private interest to serve ; but having the highest regard and respect for the interest of the Americans, as colonies and provinces of Great Britain ; he ardently wishes to see the most cordial harmony and affection take place between the mother country and her vigorous offspring, upon a natural, solid, and permanent basis of mutual interest and advantage. If, therefore, any better plan shall be adopted, than the sketch he has here ventured to submit

submit to public view, he will heartily rejoice at it ; or, if any part of his argument shall appear weak and inconclusive, he will either enlarge and illustrate it, or candidly own and acknowledge its deficiency. But scurrility and abuse will neither convince him ; nor deserve his reply.

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LETTER I.

S I R,

GREAT BRITAIN is truly a prodigy !
In spite of the highest prerogative,
and the most imperious despotism, exer-
cised over the south, as well as over the
north of her island, she has, in former times,
opposed every danger, surmounted every dif-
ficulty, and, with the loss of her best blood,
gloriously atchieved the free enjoyment of
her property, and the fullest exertion of her
liberty, as circumscribed and limited by the
laws of her own choice. Now that she is
so amply possessed, and secured of those most
invaluable blessings, her property, liberty,
and laws, as not only she herself in no for-
mer age ever experienced, but as no nation
on earth now can, or in any prior period of
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existence, through the whole series of ages past, could ever boast of:—now that she is governed by the best of Kings, himself a lover of the constitution, and passionately desirous of perpetuating the liberty, felicity, and glory of his people:—now that she has carried her commerce all over the world; and acquired immortal glory by her arms:—now that her apparent felicity and power, her grandeur, dominion, and riches, attract the attention of all Europe, fill the nations with envy, and fire their imperial monarchs with the high ambition of emulating her unequalled fame:—at this very momentous point of time, she is ready to fall into the blackest contempt and oblivion, from the base degeneracy of her sons at home, and the unbounded ambition of her offspring abroad.

Cast your eye back to the first establishment of her American colonies; and from thence look progressively forward to the present period: and you shall not find one instance of conduct in the ministry, or legislature

flature of Great Britain, tending towards the establishment of any system of government, natural and proper to their situation and condition, as provinces. The whole employment of the men of property, as well as of the ministers of Great Britain, has in general been, by dividing the people into factions, and practising the grovelling arts of prostitution and cabal, to keep themselves in possession when they have had power; or to pull down, and destroy others who had superseded them.

The colonies thus left to themselves, and grown up into a state of prosperity under the influence and protection of their mother country, have, by uninterrupted habit, come to think their corporation assemblies to be no less than parliaments; and with an ambition natural to man, viewing their numbers, and the extent of the country they possess, they are emboldened, from the interested divisions, madness, and folly reigning in Britain, to grasp at national and independent legislation and government.

This is nothing wonderful in the provinces. But, when the danger is so imminent; the consequences so plain; the dignity and interest of Great Britain so deeply concerned,—to see her public and private councils so divided, and contradictory, about what is necessary to be done; ^{this} is truly alarming.

One great man, delighting in hyperboles, is said to have asserted the right of making laws for preserving the sovereignty of the mother country over the provinces; but in the same breath to have denied the power of taxing them; and to have affirmed, that, were they to submit to this tax, they would be, *ipso facto*, slaves. Another great man, detesting general warrants, yet fond of exercising himself upon the antiquated stilts of prerogative, is said to have denied the parliament to have any power of taxing; but that the king, solely, may tax; in virtue of his sovereignty.—Thus a plain matter is perplexed by the authority, and ability of those men, who ought, chiefly, to illustrate, enforce,

enforce, and confirm it. And the people, on whose union and cordiality, alone, depends the future prosperity, or misfortunes of this nation, are misled; and divided in their sentiments.

The first great man's argument is made up of a direct contradiction. For, without a right to tax, there can be no sovereignty. —Sovereignty comprehends legislation, and government; without which, it cannot exist. And wherever the right of legislation and government is, there, alone, exists the supreme right to tax. Wherefore, to have a right to the sovereignty, and yet no right to tax, is a political absurdity.

The other great man, by having recourse to the power of the crown, in spite of his political aversion to general warrants, seems so enamoured of royalty, as to have forgot, that the luxuriant, and despotic branches of prerogative, were lopp'd off by the revolution; and ingrafted, not upon a part, but upon the whole united legislature of Great Britain. And that, therefore, whatever supreme

preme legislative powers resided formerly in the king alone, inhere, and reside now, in the united will and decree of the king, and the parliament.

But the whole of this argument is clearly and demonstratively obviated, by this necessary, and essential distinction in the science of politics ; namely, the difference between national, and provincial government. All that the first great man alledges about the rights of the people, to be taxed with their own consent, by their representatives in parliament, is fitly, and properly said, with respect to national government : but improperly, and absurdly said, with respect to the provinces. Because, were Great Britain to permit them to govern themselves in the same manner that she is governed, they would naturally, and necessarily cease to be provinces ; and become, virtually, so many free and independent states. To continue them as provinces, they must remain, and be kept obedient to the laws, and legislature of Great Britain ; and in this way,
only,

only, can they be of the highest utility, and service to the commerce, power, and grandeur of Great Britain. On the other hand, to confer on their assemblies the rights of national legislation, and to allow, that they cannot be taxed, but by their own consent, as signified by their representatives in their assemblies; they must, being already proprietors of the soil, be then, necessarily, possessed of every qualification of sovereignty; and in every respect, as free and independent of Great Britain, as Great Britain is now of them. On the existence of this national constitution, they will then, like other nations, naturally consult their own interests, independent of their mother country; and connect themselves with her, only so far as that connection will answer their national purposes. Their having the same king with us, at the head of their constitution, will form but a slight tie. For, his opposition to their measures, when inconsistent with our interest, will meet with as little respect there, as the operations of the British

British administration would receive at home, were they conceived contrary to the interests, and oppressive to the rights, and liberties, of this nation. — Great Britain might exert herself in support of what, in that case, might be conceived to be the rights of the crown. But this could only produce a war. A war, which might then be uncertain as to its consequences; and, in any issue, would only serve to increase mutual animosity, jealousy, and ill will; and to lay a foundation for claims that would never be given up, but with the total dissolution of the original connection, between the mother country, and her provinces.

From this fair deduction of the argument, the single question seems to be; Whether Great Britain ought to retain her provinces under her legal and parental subjection; or, by enfranchising them, under a like constitution with her own, make them a free and independent nation? To become, perhaps, hostile to herself, with the loss of all
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the blood and treasure she has lavished in their service, and all those advantages of commerce, power, and dominion, which open to her view, in a long and glorious prospect of future felicity. The result to be given, abstracted from private interest, and ambition, would not admit of a moment's hesitation.

But it is said, that taxing the colonies makes them, *ipso facto*, slaves. What a profanation of language! Has not every nation a right to colonize? — The plantation of the whole earth is a proof of it. — The practice of all nations, ancient, and modern, confirm it. — Can subjects of a state, transplanting themselves voluntarily; continuing under its influence and authority; governed by its laws; and protected by its power: be said to be slaves, any more than when they were in the bosom of their mother country? As part of the people of Great Britain, they were all of them, by the constitution and the laws, protected in their rights, liberties, and privileges, as

free men, fellow compatriots, and subjects of the same supreme legislature, at the time they left their country. Such of them as had real property in it, were specially represented by their constituents in parliament; and such as had none, were equally secured in their rights and liberties, by having the equal and full benefit of the same laws that were made for those purposes, as the proprietors themselves, who were more especially represented; being at the same time possessed of full and intire liberty and choice of becoming at all times real proprietors, whenever they should be possessed of substance, or personal property, sufficient to effect it by purchase. Their increase of numbers since, makes no variation. They were born, or they of choice resorted there, all under the same predicament of being subjects of Great Britain; protected by her parliament; enjoying her laws; and subject to her government. — Free to remain in the provinces; free to return to their mother country. Wherever they are found,
they

they are acknowledged for her sons ; as being possessed of all the privileges of their birth right. Can such men as these, then, be accounted slaves ?

But they are proprietors of a distant country ; and their charters intitle them to make their own laws. Therefore, they are intitled to a separate representation, and to tax themselves.

As a body corporate, under a charter, they may, like other corporate bodies, make laws for their own utility and government. But no royal charter can be pleaded in bar of the supreme sovereignty of the state, in its legislative capacity. That would be to raise a charter above an act of parliament : the power of the king above that of the legislature ; which would dissolve the constitution, and annihilate liberty. Whatever, therefore, the privileges may be, which they claim under their charters, the power and right of the legislature, remains paramount over them ; and over all the subjects of Great Britain. Their property in a province

intitle them to as little representation. Because the province itself is virtually, as such, comprehended in the dominion of the mother country; and falls under the national representation, subsisting in the British parliament, at the time of its first settlement. Wherefore, I again repeat it, that to tax themselves, they may. For that is agreeable to their charters, and belongs to their incorporate and internal state, as a province. But to deny the right of the mother country to tax them, likewise, in her supreme legislative capacity, is to deny her sovereignty. It is to change their political existence: and in place of sons and provinces of their mother country, to become aliens: and to form themselves into a mother country, and an independent nation.

As I have mentioned the distinction between national and provincial government. Take here the rough outlines of a provincial system.

1st, Fix the nature, power, and extent of the colony assemblies, so, that they may
never

never be mistaken, hereafter, for parliaments: but known and universally acknowledged as corporate bodies, only, having power to propose laws for the internal police of the colony, to be approved or rejected by his Majesty in council, as usual; and always subject to the revial and alteration of parliament.

2dly, Two members, or one, to be chosen by each colony assembly; who shall have seats in the House of Commons of Great Britain, not as representatives; because the people of North America, being all subjects of Great Britain, are already represented; but as deputies; who may attend to the interest of their respective colonies, and give such information to parliament as may enable the legislature to judge and do what is best for the service of the said colonies, taken along with the general interest of all his Majesty's dominions. These members of the colony assemblies, so deputed to parliament, may have the privilege of speaking upon American affairs only, without voting
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in the determination of them ; or in the determination of any other question whatsoever. This will, effectually, prevent any idea of representation. But, at the same time, to enable them perfectly to execute their duty as deputies, they ought to have all the personal privilege of members of parliament, both in Great Britain and the colonies. But no other of the members of the colony assemblies ought to have any such personal privilege in their respective colonies.

3dly, The colonies may be divided into circles, or provinces ; so that three colonies may make one circle, or province.

4thly, Governors may be so appointed to each circle, or province, that, by residing two years in each colony, each governor will have passed through the three governments of the province, in the space of six years ; after which, he shall return home, and report to the board of trade, his observations respecting the commerce of each colony ;—to the secretary of war, his observations re-
specting

specting the military establishment of each ;
 —to the lord chancellor, a plan of the civil
 police, and the import of the laws passed in
 the assemblies of each, during his govern-
 ment ; —and to the secretaries of state, a
 general report of all these, together with
 such special observations respecting the cha-
 racter and disposition of the people ; the
 assemblies, and the individual leading cha-
 racters in each ; as may tend to the perfect
 knowledge and better government of the
 whole. It being always understood that,
 his Majesty may, at pleasure, remove these
 governors ; but not continue them longer
 than the time allotted for performing the
 course of their respective circles. Never-
 theless, after they have returned, made their
 reports, and been two years out of their last
 governments ; they may, at his Majesty's
 pleasure, be appointed to go the course of a
 new circle, or province, as before. By this
 rule, a new governor will be sent out to
 each circle, every two years : and by vary-
 ing the time for sending out the governors
 to

to each circle, so, that the governors for different circles may go out at different times, there will be a continual succession of governors throughout the provinces ; all skilled in their duty, unable to contract any undue and foreign bias, and rendered emulous, by the swift course of their succession, to excel one another in the administration of their governments ; to the mutual satisfaction of their sovereign, and his people in the provinces.

5thly, A certain number of troops may be annually allotted to each province, under the command of a brigadier general ; who shall, in consequence of his command, be the first member in the governors council. This officer shall correspond with the secretary of war, and the secretary of state ; perform his course of the circle in the space of three years ; that is to say, continue one year with the troops, under his command, in each colony, within his circle : and, then, return with them home, and make
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his special report to the secretary at war, and the secretary of state.

In performing this course, it shall be so ordered, that each governor shall have, annually, new troops, and a new commanding officer, or brigadier general, for the protection and government of his colony. The brigadier and forces of one colony, to be independent of the brigadier, and forces of another colony; excepting when they may be sent by the respective governors, to the assistance of one another. Then the senior officer of the first rank to take the command, during that service; unless his Majesty shall appoint a particular commander in chief for any expedition, or for taking the command of all the forces in any, or, in all the circles. So much for the rough outlines of the civil, and military provincial government.

As to religion, let it stand as it is. For the present, of all others, is not the time for clerical ambition to extend its sway over North America.

As to taxes, whether the stamp duty be a

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proper

proper one or not, I shall not stay a moment to enquire. But, as it has occasioned, or, rather, been a pretence for occasioning all this rupture, it seemed to be the most proper, and political measure of all others, to take it off; at least for the present. But, at the same time that it was taken off, another should have been immediately laid on, were it but to the amount of a pound upon each colony, to confirm the right of the legislature: and to prove that Great Britain can, and will tax her colonies.

As to taxes in general, respecting the colonies. The worst of all others, seem to be such as lay restraints and fetters upon trade. It is by trade only, that the colonies can benefit their mother country; and support, augment, and enrich themselves. Therefore, every channel should be perfectly free and open to them, that is not absolutely inconsistent with the police, and interest of the mother country. Foreign trade, in particular, where the balance is in their favour; and where it eminently augments the ex-
ports

ports of Great Britain, such as the trade to South America, and all the West India islands, should be intirely unfettered from prohibitions, taxes and restraints. For this reason, the impediments latterly thrown upon this trade, by British guard ships, &c. appear to be so many prodigies in politics. It was not certainly the interest of Great Britain, to become *guarda costas* to the Spaniards and French. If the North Americans, and our islanders, thought proper to contravene the municipal laws of the Spaniards and the French, they did it as individuals, and at their own risque. Our government was not concerned with it; nor accountable for its consequences. The advantages to North America, and Great Britain, were obvious. And these advantages might have been a sufficient reason, at least, for the government to have been passive. Trade produces riches; riches center in the purchase of property, or land, wherever it can be found. Property, therefore, is the grand and proper object of taxation. In taxing

property, it is the rich only that feel it; and they only ought to feel it; because they are able to bear it. But by taxing trade, it hampers, confines, and deadens those, who have the free and noble genius of enterprise, and adventure; and are looking after riches but have not obtained them. The poor, therefore, in this case, are those only who feel its effects; and they ought not to feel them; because they are not able to bear them. Had, therefore, the property of North America been taxed, in place of its trade, the proprietors had been better able to have borne it, and the poorer people not feeling it, would never once have thought of the outrages they have already committed.

Would the demon spirit of faction but cease; and all the little interested private parties coincide in the same national and public view, of aiding and supporting the government in what is necessary to be done, this high humour of the North Americans might be considered as one of the happiest incidents

incidents that could have fallen out. As it has opened the eyes of the nation, and gives an opportunity to the legislature, while it is not yet too late, to new model the government of North America, upon a plan of liberty suitable to the nature of colonies, and the dominion of the mother country. But, the present divided state of the nation : the eager pursuits of individuals after illimitable power : and what seems as much to be apprehended, the private and temporary mercantile interests of particular men, may take off from that steadiness and firmness that is requisite in the government, for conducting the measures that are necessary to obtain the grand object that lies before them. An object, that respects futurity infinitely more than the profits and advantages of any set of men, for the present moment. To succeed well in this great work, it requires all the wisdom of ancient Athens ; and all the magnanimity, courage, and inflexible resolution of ancient Rome. Since the smallest deviation from the grand point to serve particular

particular purposes, or to cover the danger with temporary expedients, may ruin all.

I am, Sir, &c.

LETTER

L E T T E R II.

S I R,

I Hope the resolution taken to repeal the stamp act, is preparatory to the laying on some light duty in its place ; in order to ascertain the right of legislation in the British parliament ; remove all doubts in North America, on that head ; procure the immediate compliance and submission of the people there : and practically fix the measure of their duty and obedience in all time coming. The honour of parliament, nor the honour of the nation, seem not, in the remotest degree, to be affected by the repeal of the stamp act : provided that any
other

other duty, however small, be immediately imposed. But to repeal the stamp act, and lay on no duty by the direct authority of parliament; or, to lay on a duty, and refer the mode and manner of assessment, or the levying of it, to American assemblies; in either of these cases, it appears to be clear as any mathematical demonstration, that, not only the honour of parliament, but the most important interest of Great Britain, will be highly injured, in point of national commerce, dominion, legislation, and power. Not only now, but throughout the whole future period of their existence.

~~The~~ repeal ~~of~~ the stamp act, is to remove the real, or imaginary grievances of our brethren of America; and to soothe their passions and prejudices.—To lay on a new duty, however small, is to establish and perpetuate the legislation of Great Britain over her provinces. Both these ^{are} ~~are~~, certainly, fit, and expedient to be done.

But to lay on no duty, is to give up the point in question, and to rivet the Americans
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in their opinion of independency on the legislature of Great Britain. And to lay on a tax, and leave it to themselves to levy it, in their assemblies, is to give them a firmer bottom of independency than what they now stand upon. For they will plead this as a national concession, and affirm that, though the parliament may tax, yet they, alone, can levy the tax imposed. And it being thus left to them to levy what the parliament may tax, it will amount to the same thing as if they had been allowed to tax themselves. Because they will only levy what they think proper: and in place of complying with the tax, imposed upon them, it may, naturally, be expected that, they will remonstrate, that they can only levy such a part of it; or that they cannot levy it at all. Whatever these assemblies shall do in this respect, popular opinion and popular force will support them in it. And it will be as difficult then, to reduce them to compliance, as it appeared in the case of the stamp act. On such an event, should the

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parliament resume their operative capacity, by directing the manner in which the tax shall be levied and enforcing the levying of it; the Americans will then rend heaven and earth with their appeals for justice; and complain, that the parliament have assumed a power that does not belong to them; a power inherent in the delegates of the people; and acknowledge as such, by the legislature of Great Britain, settling, at this time, the model of taxation. This circumstance would naturally invigorate the spirit of sedition; and render them, even far more untractable, than what they may be presumed to be at present.

But, supposing the most favourable case to happen; that is, that they will give ready compliance to the decrees of parliament; and punctually levy such moderate duties as may be now, and for sometime, hereafter, laid upon them: yet, who can be so improvident not to foresee, that, the means and the opportunity of exerting themselves in this way, are at all times open to them:
and,

and, that, if they shall yield compliance for the present, it will be only to improve with greater certainty and security, the advantage which this concession will give them, by laying hold on some future time to establish their independency; when either the increase of their numbers and riches, shall impel them to shake off their mother country; or, when that country, pressed by the exigency of her affairs, or attentive to her commercial interests, shall lay on any additional tax, or direct their trade in such channels as, however beneficial to the general good, may be conceived by them to be less commodious to their particular views, than what they could wish for. So that the utmost merit of this measure, seems to be that of a temporary expedient, to ward off the evil hour to a future day.

In short, it is not the oppression of the stamp act, considered as a tax, that has so highly animated the commotions of America: it is clearly the spirit of independency. It is the desire of managing their own af-

fairs more to their own advantage, than what they think can be accomplished, under the government and subjection of Great Britain. It is the high and imperious ambition of being themselves, a nation of independent states ; the accomplishment of which is fatal to the prosperity of Great Britain. This brings us back to the single object in view; that is, how this may be prevented.

The repeal of the stamp act is a proper sacrifice to their present humour. To lay on, immediately, a fresh duty, however small, is necessary to maintain the honour of parliament, and the right and authority of national legislation. But to me it is evident that both the one and the other will be altogether insufficient, unless that a proper system of provincial government be established. — The not adverting to the natural and necessary difference between national, and provincial legislation and government, seems to me, to have been the principle cause of the difference in opinion, about the right of British legislation in America. For, if it
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had been once clearly understood that, for the Americans to tax themselves, and to have representatives, as in Great Britain; would be to lose them, and make them independent of Great Britain; perhaps, adverse to her; nobody would have been found on your side of the water*, at least, to oppose the justice of their being taxed and governed by the British parliament; or to think, that the liberties of the people of Great Britain were, for this reason, in any danger; or, that the condition of the North Americans would be that of slaves. On the contrary, it must have appeared, that the true interest and majesty of the people of Great Britain, were eminently concerned in supporting such measures, as were necessary to accomplish this end. It would have likewise appeared, on dispassionately considering the intimate connection and mutual interest between the mother country and her colonies, that they never can be in danger of

* The author wrote from a neighbouring kingdom, to his friend at London.

slavery or oppression : for, whatever essentially injures them, must necessarily hurt and injure the mother country; and although they may suffer a temporary inconveniency, by any inadvertent, or misconceived law, passed in parliament; it is impossible that it can remain longer unredressed, than the moment that it is clearly discovered and made known to be such; while the mother country retains any sense of what is her own interest.

I am, Sir, &c.

LETTER

L E T T E R . III.

S I R,

I Have, with avidity, sought after every argument in support of that very extraordinary position; that the legislature of Great Britain have no right to tax the Americans: and I most sincerely own to you, that all I have met with, is bold assertion; and even that assertion contradictory in itself.

If the legislature of Great Britain have no right to put their hands into the purses of America; what possible right can they have to bind her by the laws respecting external commerce, in all its branches? If, by taxing them, as it is alledged, it depends upon
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the breath of a British parliament, whether or not there is a penny of property in America : does not this penny of property equally depend upon the breath of that parliament, when they can, by right, as is confessed, regulate their external commerce in all its branches, upon which, solely, this penny of property depends for its existence? Is it not the same thing to me, whether you restrain me from earning a penny ; or, take the penny from me, after I have earned it? Should it be alledged that, in restraining their trade, Great Britain will have an united consideration of their interest, along with her own. This reply will be good and conclusive. But, the same reply will likewise answer, with respect to internal taxation. For, if the legislature leaves them not a penny of property ; or, in other words, oppresses them with taxes ; they cannot carry on commerce, and she must suffer along with them. In short, the rest of the world are so far advanced in commerce, and are such formidable rivals of Great Britain, that her last and
ultimate

ultimate hope is, in the commerce of her colonies, and her trade with them. This circumstance I hold to be undeniable. And in this view, the prosperity, or, adversity of the colonies, is the prosperity, or, adversity of Great Britain. She cannot, therefore, oppress and injure them, without immediately and necessarily feeling it herself: and this is their security, and the best security in the world, of being always free and always flourishing, under her sovereignty and government.

It is not so, if you will consider Great Britain as dependent upon her provinces; or, which is the same thing in the present question, them as independent of her, by being allowed the supreme sovereignty and government of themselves, in having an exclusive right of taxation. The reason is simple and plain. The prosperity, or adversity of Great Britain, is not, necessarily, the prosperity or adversity of the colonies.

For, in the first place, the ^{prosperity}~~property~~ of Great Britain requires, that the commerce

of the colonies may be cast into certain channels, and suffer certain restrictions and limitations ; which, were the interest of the colonies the sole object, would appear highly prejudicial to them. The interest of Great Britain may, likewise, require aids by taxation, when the colonies shall be rich and affluent; and, therefore, able to afford them; in order to enable her to support the expence of government in the time of peace; ease the incumbrances of her public debt; or, defray the charges of a public war. But none of these, the colonies being judges, can be considered as their interest; nor, being left to their free choice to raise, will ever be agreed to, or accomplished: so that, in this respect, the prosperity of Great Britain, appears to be the adversity of the colonies.

In the next place, the adversity of Great Britain is not, necessarily, the adversity of the colonies. Loaded with a national debt; burthened with the sole support of government, and all the expences incident and necessary to political connections, in supporting
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and maintaining her power, influence and authority, in the general system of Europe ; that debt increased ; her strength and ability exhausted in the course of future wars ; her intestine divisions and factions, kept up and strengthened in their hatred of, and opposition to, one another ; all these might reduce Great Britain to the last extremity of debility and wretchedness, without having any other effect upon the colonies, under the supposition, that they had an independent right of legislation, to tax and then themselves as they thought proper, than that of giving them a nearer prospect of rising upon her ruins ; and after having been reared into maturity at the boundless expence of her best blood and treasure, to spurn and reject her in her state of desolation ; and springing fresh, young, and vigorous, into a reign of absolute independent and national government ; start for the prize of pre-eminence, with all the other powers of the earth. In this view the deepest adversity of Great Britain would appear

only conducive to the highest prosperity of the colonies.

I, therefore, conclude, that the prosperity, or, adversity of the colonies, being the prosperity or adversity of Great Britain, the right of sovereignty, as including taxation, ought to remain indissoluble in the legislature of Great Britain, over the provinces : and that the prosperity and adversity of Great Britain, not being the prosperity or adversity of the colonies ; the power or privilege of exclusive and independent taxation, ought never to be given to, or intrusted with the provinces.

I am, Sir, &c.

LETTER

L E T T E R IV.

S I R,

TAKE here another view of this argument.

Much has been said of the social compact, and the sovereign right of the people. — In an abstract, moral view ; all men are alike. All men have a right to liberty, freedom, independency : none to pre-eminence ; but what they may derive from others, on account of their wisdom, heroism, benevolence, &c. And all this includes the interest and service of the people. — But, look over the face of the earth, and find out this social compact ? Examine the rights, and sovereignty of the people. Where do they exist ?

How

How did they begin ? Upon what are they founded ?

The people of the east, compared to whom we in Europe, are but a handful of men, have the same rights and privileges, the same title to liberty, freedom, and independency, as men, that we have. Where is their social compact ? Where their sovereignty ? They are as the beasts of the field, the property of their masters, the sheep of his pastures. — The people of Europe, compared to whom we in Britain bear as little proportion. Where is their magna charta ? Their habeas corpus ? Their juries ? Their parliaments ? Their representatives ? Their exclusive right of being taxed by their representatives only ? They are the humble and obedient subjects and vassals of their respective sovereigns and lords ; who think for them, and act for them ; and demand, and receive an implicit submission. Even we, comparing ourselves with our forefathers, what figure did the social compact, and the sovereignty of the people, make in

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Great Britain, from the æra of the Norman prince, down to the happy revolution ? In the first part of that æra, no regard whatsoever was paid to them ; and they never afterwards existed with any fixed, certain, and established authority.—The firm, clear, and indisputed establishment of the social compact, is, even with us, but of yesterday. To talk, therefore, in the abstract, of the social compact and the sovereignty of the people ; and to apply it equally, and in all circumstances, to every country ; and to every order, and situation of men belonging to the same country, so as to give each an equal degree of liberty and independency ; is to deceive ourselves, and amuse and mislead others. To argue with clearness and certainty upon this, as upon every other subject, we must follow nature ; and this brings us close to our subject.

The people of the east are slaves, not because they have not a moral right to be free ; but, because they are without the means, or the natural right of being so ; as not being
possessed

possessed of property. The prince is sovereign of the soil, and feeds his army, which commands his people to obey his will. The interest of the prince is, therefore, the sole object of the government : and the capital part of that interest, is to maintain his property inviolable ; upon which depends his power. — The countries of Europe have had a more enlarged and generous division, as comprehending, in every region, a number of proprietors, along with the sovereign. They are the nobility of its respective kingdoms ; and their interest, along with that of the sovereign, becomes the capital object of policy, in the state. Here, as the interest is more enlarged and divided, the laws become more equal, generous, and comprehensive ; and of course, the people more free and happy. — Great Britain, alone, of all these kingdoms, has had the happiness, in the course of accidents and events, to have her property diffused among her people at large ; and hence, alone, not from any ideal social compact, she derives her solid right to a
more

more enlarged, equitable, and popular government, than other kingdoms whose property is more confined.

Upon this firm and substantial natural right, the right of property, the people claim, with propriety, justice, and efficacy, all the moral rights and privileges, which they are intitled to as men; that is, freedom and liberty, as regulated by laws, made for their own interest; and with their own consent; and not by the will and pleasure of one, or of a few men.—Here, then, is the bottom to rest upon: and this is the true foundation of their social compact and sovereignty.

This is at present, and has been for some-time, the happy situation of Great Britain. The legislature, consisting of king, lords, and a representation of the people, or commons, constitute her supreme and absolute sovereignty; and the people, as their supreme privilege, have an exclusive right, by their representatives, to tax themselves. This right of exclusive taxation is the palladium

of their liberty and independency. For, without it, they might be stripped of their property, which, as already observed, is the foundation of their power, and the natural cause of their freedom.

Now, the same causes will always produce the same effects. If, therefore, the colonies, *possessed as they are of the property of a distant country*, be likewise invested with *this exclusive right of taxing themselves*; they will, from that circumstance, be effectually and necessarily as independent of the legislature of Great Britain, as the people of Great Britain are, by virtue of this right, of the king, and the nobility; that is, they will be under a national, not a provincial government; and, therefore, unconnected with, and independent of Great Britain. Nor will the legislature of the mother country, have any more right to raise any tax, supply, or assistance, from them; than they, to raise the like from her. This in a philosophical view, as a citizen of the world: and having an indifferent regard for all, is very
kind

kind and generous towards America ; but, in a political view, as respecting the mother country, most ruinous and destructive : and however much obliged the people of North America may be by such an institution ; the good people of Great Britain will, to their fatal experience and ruin, have little reason to applaud it in the issue.

This leads us to provincial government.

Whether the state be an absolute, or free government ? This truth is verified in fact, as well as clear in its own nature. That her provinces must necessarily be kept subject and obedient to her supreme will and legislation, in every thing ; or, they will become independent and lost, to the sovereign country. As to the nature of this truth, it has been formerly, as well as now, sufficiently spoke to ; and, as to the fact, ancient Rome is the fairest pattern of antiquity to appeal to. She had many provinces, endowed with various degrees of freedom and privilege, according to the circumstances, dispositions, and merit of the people ; but this was an

invariable and universal maxim of conduct towards them all ; that the taxes, or contributions levied for the exigencies of the state, and the good of the whole, as comprehended in that of the sovereign country, were constantly imposed by the authority, and levied by the power of the republic. Throughout all antiquity, and in the whole current of modern experience ; there is not one instance to be produced to the contrary of this doctrine, and this fact.

But here, again, the social compact comes across us — The liberties of America are to be as tenderly regarded, as those of Great Britain — Who can love liberty in the mother ! and not wish to see America and every child of Britain free ? This is flowery and pathetic : but, it is talking to the passions, not to the understanding ; theoretically, not practically ; visionary, not naturally. Who, that is a philosopher and a perfect citizen of the world, but would wish to see liberty and happiness diffused throughout the whole globe, in as great a measure, and to as high
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a degree, as in Britain ; or, in any other country, possessed of those invaluable blessings. A philosopher, emitting such sublime emanations of benevolence in his ideal system of equal and universal felicity ; would meet, undoubtedly, with our applause. But, were this gentleman, in carrying his theory into practice, to attempt to make any number of the subjects of the state independent of it, and support them in their claim of a separate, free, and absolute will and choice, as to what they should pay towards its service : we could not, in the tenderest point of view, but consider him as having deviated from his duty to his country. Or, were this philosopher to promote the interests of France, by enlarging the freedom of her people, extending her trade, and exalting her maritime power ; howsoever consistent this might be, in his general system of benevolence, by giving freedom to the oppressed, bread to the industrious, and extending the reign of liberty further upon the face of the earth, no doubt would remain

main in Britain ; but that he, as a Briton, was an énemy to his country. The faculties and powers of man are very limited. These vast ideas of diffusing universal liberty and happiness to all the species ; or, of making all men in the same state, however different their circumstances and situations may be, equally free, and equally remote from injury and oppression ; are beautiful in the abstract, but impracticable in real life. That man is happy ! who can serve his country, without being the benefactor of mankind. And he, likewise, would be truly happy, who could plant and rear to perfection, the blessings of liberty, justice, and equitable government, in every branch of the dominions he is a member of, as far as each is able to bear it ; and as far as is consistent with the general interest ; although he should not be able to fix it in an equal degree, in every part. The incoherence and seeming opposition of the parts, in a free system of government, are, in the state, like the discords known in music ; which, however

ever disagreeable in themselves, are highly conducive to the general harmony, when properly introduced into a grand composition.

Let us leave the aerial regions of imagination and passion; and follow, for a while, the plain road of nature and common sense.

A musfulman, is at the will of his sovereign; because his sovereign possesses the property of the country, which feeds his army, that controuls his people. His moral and theoretical rights to liberty and the social compact, are, therefore, imperfect. The people of Great Britain, acknowledge the will of no mortal man. Because, they are possessed of the property of the country; compose, by their representatives, a part of the legislature; defray the expences of government; pay the army that is employed in their service; and retain, inviolably, the exclusive right of taxing themselves. Their moral and theoretical rights to liberty and the social compact, are, therefore clear, full, and compleatly perfect.

But,

But, in this most excellent system of government; as in every government that ever was, or ever will be, there are various degrees of privilege, liberty, and enjoyment, according to the circumstances and ^{situation} ~~station~~ of men, under it. The nobility have their privileges: the representatives of the people have theirs: both these orders of men have, in this respect, more liberty than the rest of their fellow subjects. The honour, the dignity, the good of the state, and the commonweal, require it. The army, and the navy are, on the contrary, under severe laws. Both these orders of men enjoy almost in every respect, far less liberty than the rest of the people. But the necessities of the state, and the situation they are placed in, make it necessary; in order to fit them for the service of their country, as good soldiers, and good seamen. In all this, the general system of liberty is not infringed: the particular liberty of individuals, much.— In the first instance, more than ordinary liberty is enjoyed; because their circumstances and

and situation, render it fit and proper. In the latter instance they enjoy as much liberty as their situation and the public interest can admit of. The publick interest, then, or, the good of the whole, is the standard of liberty, in a free government. This is the true measure and extent of the social compact. Not that every one shall be equally free and independent; but that every one shall be as free and independent, as his circumstances and situation will admit of, consistant with the good of the whole.

Let us apply what has been said to the colonies.

It may be said, the Americans are the offspring and children of Britain; that they are, likewise, possessed of property, the efficient cause of power and dominion: and that they are, therefore, morally and naturally intitled to all the liberty, rights, and privileges of Britons; and of consequence, they ought, in order to have their property in America taxed with their own consent, to be repre-

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sented,

sent, from America, in the British parliament.—I answer—They are intitled to all the liberty, rights, and privileges of Britons ; but to no representation from America. Because (not to repeat what has been formerly observed, that, as Britons, and the subjects of Britain, they are already represented) such a representation, were it complied with, must, to answer the purpose intended, be made adequate to the numbers of the people, or the value of the property possessed by them, in America ; which would make such an innovation upon the legislature, and render the House of Commons such a numerous, tumultuous, unweildy, and unmanagable body, as might give an opportunity to a powerful faction, to overset the throne ; or, to a bold and able minister, to enslave the people.

Secondly, The increase of numbers, and the occupation and cultivation of new lands, would lay a foundation of equal right, for the same claim of representation, at least every twenty-five or thirty years ; which is the time allowed, in which the Americans
may

may double their population. This representation of America would, therefore, in a very short time, overbalance the national representation of Great Britain; the interest of America would preponderate; and that of the mother country would be lost.

Thirdly, The institution of such a representation from the colonies would give rise, upon the same bottom of right, to the same claims from many fair towns and districts in Britain.—All which, taken into one view, must appear to occasion such tumult, disorder, and anarchy, as would necessarily dissolve the constitution; and give rise to some new kind of government, fatal, in all probability, to Britain.

This claim of representation, therefore, had it any real existence, must yield to the good of the whole; that is, to the good and interest of Great Britain; which is the standard and criterion of liberty and justice, with her, in respect of herself, and of her conduct towards all her children.

Again, the distance of America from Great

Britain and the vast extent of the country itself, renders it incapable of being kept and governed by Great Britain, in any other form or manner, than that of a province. — The people born there, have an affection for the soil. They are possessed of it. They acknowledge it for their country. Their first and ultimate hopes and fears, are, about its prosperity, or misfortune. And every other country and people, even the mother country, occupy but a second place in their consideration. In this situation, then, to grant them the privilege of taxing themselves, with respect to the aids and supplies to be furnished to the mother country ; or, of levying them ; is to establish the solid foundation of a national and independent government. For, as already observed, the mother country, by this very cast in her constitution, is rendered free, and kept independent of the crown ; therefore they, by this concession, like causes producing like effects, will necessarily become free and independent of Great Britain. They will be the judges of
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her necessities; they will judge of them according to their own conveniency and interest. And she, from being the mother and mistress of her colonies, will become the humble servant and suppliant of another nation. This would be effectually to destroy the social compact, between the mother country and her colonies. All that the social compact requires, in the utmost extent; and all that can be given, consistent with the sovereignty, the prosperity and happiness of the people and state of Great Britain, is, that the colonies may enjoy as much freedom, liberty, and independency, as their situation will admit of, as subjects and provinces of Great Britain. This relation must be constantly kept in view. This is the great public good, to which every thing opposing it, must give way.

The refusing to the colonies the privilege of taxing themselves, with respect to the aids and supplies to be furnished to Great Britain, or, of levying them; will have this
 necessary

necessary good effect. It will turn the attention of men of ^{properly} ~~prosperity~~ in America, towards their original country. It will induce them to invest some part of their riches, in purchases to be made in Britain. It will invite their residence in it, for some part of their time, as the proper stage where they can figure to the best advantage, by becoming members in the House of Commons; and thereby serving America in its most important interests. This residence will recall, in part, their affections to Britain; and bind faster, that mutual connection and interest that ought to be ever cultivated between her and her provinces; and which, from their present continual residence in America, is dissipated and lost. It may even, perhaps, appear highly conducive to the fixing of this mutual connection and interest, and preserving the allegiance of the provinces; to oblige, by law, every proprietor of America, to be possessed of a certain share of property in Great Britain. —

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The cultivating of the sciences to the highest perfection in America, may, for the same reason, appear not so deserving of the encouragement of Great Britain, as it has hitherto done ; in order, that something may be left wanting, to induce their young men of fortune, to finish their education in the mother country.

Affertions, that " Great Britain has no
 " right to put her hands into the purses of
 " the provinces of America ; to alter their
 " mode of trials ; or tyrannically erase the
 " barrier of their liberty ; invaluable, and,
 " to be hoped, immortal juries," may be
 fully and effectually replied to, upon this
 pure, perfect, and eternal principle. That
 the interest of a part, ought to give way to
 the interest of the whole — Great Britain is
 that whole ; and her colonies, did they con-
 sist of a hundred millions, are, when figured
 out^{as} as opposed^{to} to her, but that part. — If
 the colonies tax themselves, in their supplies
 to Great Britain, the connection is lost ; they
 become independent of their sovereign coun-
 try,

try, and form a separate nation, by themselves. This is the interest of the part, taking place of the whole. If Great Britain tax them, they are taxed as the people and subjects of Great Britain, and remain connected with her, and dependent upon her. This is the interest of the whole, taking place of the interest of the part. Therefore, Great Britain has a right, in her sovereign and legislative capacity, to put her hands into the purses of the people and subjects of America. The not making use of juries in the mode of trials and complaints, arising upon any tax to be imposed by Great Britain, is equally just. If through the prejudices of the passions of the people, the verdicts of juries should prove the medium to be made use of, for defeating the levying of the tax; which, agreeable to the spirit of America as a province, would certainly be the case. Nor are the people there, by such mode of trials, brought nearer to tyranny, or removed further from the benefit of immortal juries, than the people of Great Britain; who,

who, in cases relative to the revenue, are subject to the decision of judges, without the assistance of juries.

The barriers of their liberty remain nevertheless intire. The sovereign fountain of justice is always open to them at home, by appeals. They make their own laws, in their corporate assemblies, for regulating their internal police; and in every question of private property, they enjoy, as they ought, immortal juries; and all the rights and privileges of Britons there, and every where else; and Great Britain cannot injure or hurt them, without suffering along with them.

I beg leave then to say, that, North America must be governed as a province, if Great Britain be inclined to govern her at all: and a military force must be made use of, as well to secure her obedience, as to afford her protection. As a means to governing well, and towards promoting her interest to the best advantage; it may, perhaps, appear not inexpedient, to admit a deputation from her in the House of Commons. But that this

deputation may have no appearance whatsoever of a representation, and to avoid the confusion arising from too great a number of deputies; it may perhaps, on reflection, appear to be more for the public service to have but one deputy elected or chosen from three colonies, than two deputies, or one deputy, from each colony; and to have all these deputies, so chosen for the respective circles of America, restricted to the privileges already mentioned in the first of these letters. This measure would not only effectually prevent any idea of representation; but would give all the assurance and satisfaction that reason and justice could demand on the part of America, that the legislature of Great Britain would be truly and fully informed of whatever was necessary to be known for her service.

To conclude, I consider America as a field of adventure belonging to Great Britain, fitted to the genius, industry, and enterprize, of her people; and left open to their choice, to labour there, or not; and to remain

remain there, or return from their pursuits after wealth and riches, at their pleasure. These terms of free election, are infinitely removed from slavery.—While they remain there, they must in every thing be kept subject and obedient to the lords of the field, that is, to the legislature of Great Britain. For, otherwise, the field, and all the advantages arising from it, will be lost. What inconveniences they suffer, or think they suffer, from a tenor of government necessary for this purpose, they suffer voluntarily; as they may always leave it at their pleasure, and return to their original country. In this respect they have not so much reason to complain, as those who adopt the martial life, by land, or sea: it is an act of choice in both; but the former may change their situation at their own election, the latter must have special permission for doing it. The interest and good of the whole renders it necessary in both cases: and this reason is final.

America is, in another point of view,
like

like a young man growing up into his strength. By good discipline and careful management; he becomes an honour, an ornament, and an addition of strength and security to his family. By being neglected and permitted to follow every humour, and indulge every passion, without controul; he loses his natural, social and filial affections; considers himself as the sole and only object of his concern; gives vent to every froward passion, and promotes his own single and partial interest, in opposition to every generous, laudable, and public consideration; and becomes, at length, the shame, the scourge, perhaps, the ruin of his family.

Here, let us drop the curtain. In a future time, more dispassionate judges than those of this day, will pronounce decisively upon the present drama, and the present actors: and the felicity, or misfortune of Great Britain, attending upon the sequel of the piece, will procure to them in another age, immortal honour: or, eternal disgrace.

I am, Sir, &c.

